


Baldwin's Kentucky Revised Statutes Annotated [Currentness](#)

Title XII. Conservation and State Development

 [Chapter 151B](#). Workforce Education ([Refs & Annos](#))

→ **151B.005 Legislative recognition of need to improve adults' knowledge, skills, and literacy**

The General Assembly recognizes that many adults need significant improvement in their knowledge and skills to be full participants in Kentucky's workforce and society, to develop and maintain healthy families, and to continue their education and training as necessary throughout their lifetimes. The General Assembly also recognizes that:

- (1) Adult illiteracy is a fundamental barrier to every major challenge facing Kentucky, including early childhood education, education reform, economic development, and improving the health and well-being of Kentucky's families and communities;
- (2) Kentucky must be committed to addressing the low level of education of the adult population from all dimensions of state and local government, all education institutions, business and civic leaders, voluntary organizations, and all others that interact with the problem of adult illiteracy; and
- (3) Kentucky must have a multi-faceted strategy to address the diverse needs of the undereducated adult population in all counties and regions of the state.

CREDIT(S)

HISTORY: [2000 c 526, § 1, eff. 7-14-00](#)

KRS § 151B.005, KY ST § 151B.005

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➔ **151B.120** Agreements for training workers

- (1) The vice president of the Kentucky Adult Education Program in the Council on Postsecondary Education and the executive director of the Office of Career and Technical Education may enter into agreements to train workers for new manufacturing jobs in new or expanding industries characterized by one (1) or more of the following criteria: a high average skill, a high average wage, rapid national growth, or jobs feasible and desirable for location in rural regions. Such agreements shall be subject to review and approval by the secretary of the Education Cabinet and shall not be subject to the requirements of [KRS 45A.045](#) and [KRS 45A.690](#) to [45A.725](#) when awarded on the basis of a detailed training plan approved by the appropriate agency head. Reimbursement to the industry shall be made upon submission of documents validating actual training expenditure not to exceed the amount approved by the training plan.
- (2) The vice president and the executive director may approve authorization for his or her agency to enter into agreements with industries whereby the industry may be reimbursed directly for the following services:
 - (a) The cost of instructors' salaries when the instructor is an employee of the industry to be served;
 - (b) Cost of only those supplies, materials, and equipment used exclusively in the training program; and
 - (c) Cost of leasing a training facility should a vocational education school or the industrial plant not be available.

CREDIT(S)

HISTORY: [2006 c 211, § 35, eff. 7-12-06](#); [2000 c 526, § 6, eff. 7-14-00](#); [1994 c 469, § 22, eff. 7-15-94](#); [1990 c 470, § 22, eff. 7-1-90](#)

Legislative Research Commission Note (7-13-90): The repeal, with reenactment and amendment, of this section prevailed over its amendment by two other Acts of the 1990 Regular Session pursuant to [KRS 446.260](#). The Reviser has changed internal numbering references pursuant to [KRS 7.136](#)(1).

HISTORICAL AND STATUTORY NOTES

Note: 151B.120, formerly compiled as 156.253, repealed, reenacted, and amended by 1990 c

470, § 22, eff. 7-1-90; 1990 c 476, § 141, c 496, § 48; 1988 c 361, § 11; 1984 c 111, § 90; 1980 c 31, § 1.

KENTUCKY ADMINISTRATIVE CODE REFERENCES

Human service transportation delivery, [603 KAR 7:080](#)

LIBRARY REFERENCES

[States](#)  [90](#).

Westlaw Topic No. [360](#).

[C.J.S. States §§ 268, 270, 274](#).

KRS § 151B.120, KY ST § 151B.120

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Title XII. Conservation and State Development

[Chapter 151B](#). Workforce Education ([Refs & Annos](#))

→ **151B.127 Legislative findings relating to need for high school equivalency diplomas; incentives; administrative regulations; learning contracts; tuition discounts; tax credit for employers**

The General Assembly recognizes the critical condition of the educational level of Kentucky's adult population and seeks to stimulate the attendance at, and successful completion of, programs that provide a high school equivalency diploma. Incentives shall be provided to full-time employees who complete a high school equivalency diploma program within one (1) year and their employers. For purposes of this section “equivalent diploma” means a high school equivalency diploma issued after successful completion of the General Educational Development tests.

(1) The Kentucky Adult Education Program within the Council on Postsecondary Education shall promulgate administrative regulations to establish the operational procedures for this section. The administrative regulations shall include but not be limited to the criteria for:

- (a) A learning contract that includes the process to develop a learning contract between the student and the adult education instructor with the employer's agreement to participate and support the student;
- (b) Attendance reports that validate that the student is studying for the high school equivalency diploma during the release time from work;
- (c) Final reports that qualify the student for the tuition discounts under subsection (2)(a) of this section and that qualify the employer for tax credits under subsection (3) of the section.

(2) (a) An individual who has been out of secondary school for at least three (3) years, develops and successfully completes a learning contract that requires a minimum of five (5) hours per week to study for the high school equivalency diploma tests, and passes the tests shall earn a tuition discount of two hundred fifty dollars (\$250) per semester for a maximum of four (4) semesters at one (1) of Kentucky's public postsecondary institutions.

- (b) The program shall work with the postsecondary institutions to establish notification procedures for students who qualify for the tuition discount.

(3) An employer who assists an individual to complete his or her learning contract under the provisions of this section shall receive a state tax credit against the income tax imposed by [KRS 141.020](#) or [141.040](#), and the limited liability entity tax imposed by [KRS 141.0401](#), with credit ordering as provided in [KRS 141.0205](#) for a portion of the released time given to the employee to study for the tests. The application for the tax credit shall be supported with attendance documentation provided by the Kentucky Adult Education Program and calculated by multiplying fifty percent (50%) of the hours released for study by the student's hourly salary, and not to exceed a credit of one thousand two hundred fifty dollars (\$1250).

CREDIT(S)

HISTORY: [2006 1st ex s, c 2, § 38, eff. 6-28-06](#); [2006 c 211, § 37, eff. 7-12-06](#); [2000 c 526, § 12, eff. 7-14-00](#)

Legislative Research Commission Note (6-28-06): 2006 (1st Extra. Sess.) Ky. Acts ch. 2, sec. 73, provides that “unless a provision of this Act specifically applies to an earlier tax year, the provisions of this Act shall apply to taxable years beginning on or after January 1, 2007.”

KENTUCKY ADMINISTRATIVE CODE REFERENCES

GED Incentives Program, [785 KAR 1:120](#)

KRS § 151B.127, KY ST § 151B.127

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Title XII. Conservation and State Development

☞ [Chapter 151B](#). Workforce Education ([Refs & Annos](#))

➡ **151B.130 Foundation for Adult Education**

- (1) There is hereby established a nonprofit foundation to be known as the “Foundation for Adult Education.” The purpose of the foundation shall be to supplement public funding for adult training in order to expand existing basic skills training programs.
- (2) Funding for the foundation shall be obtained through contributions by the private sector. The foundation shall be empowered to solicit and accept funds from the private sector to be used for grants to local education agencies to fund adult basic education programs especially designed for business and industry. Contributors may specify that contributed funds be used to improve the educational level of their employees as it relates to the GED instruction program.
- (3) The foundation shall be governed by a board of trustees to be appointed by the secretary of the Education Cabinet with responsibility for adult education programs based on recommendations from business, industry, labor, education, and interested citizens. Staff for the board of trustees shall be provided by the cabinet.
- (4) The foundation shall be attached to the office of the president of the Council on Postsecondary Education for administrative purposes.

CREDIT(S)

HISTORY: [2006 c 211, § 38, eff. 7-12-06](#); [2003 c 29, § 14, eff. 6-24-03](#); [1996 c 217, § 3, eff. 7-15-96](#); [1990 c 470, § 24, eff. 7-1-90](#)

Legislative Research Commission Note (7-13-90): The Act amending this section prevails over the repeal and reenactment in House Bill 940, Acts ch. 476, pursuant to Section 653(1) of Acts ch. 476.

HISTORICAL AND STATUTORY NOTES

Note: 151B.130, formerly compiled as 156.486, repealed, reenacted, and amended by 1990 c 470, § 24, eff. 7-1-90; 1990 c 476, § 371; 1986 c 209, § 1.

KENTUCKY ADMINISTRATIVE CODE REFERENCES

Human service transportation delivery, [603 KAR 7:080](#)

LIBRARY REFERENCES

[States](#)  [84](#).

Westlaw Topic No. [360](#).

[C.J.S. States §§ 254 to 257](#).

KRS § 151B.130, KY ST § 151B.130

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Title XII. Conservation and State Development

☞ [Chapter 151B](#). Workforce Education ([Refs & Annos](#))

➔ **151B.165 Tuition and fees in secondary area vocational education and technology centers**

Tuition and fees for secondary pupils enrolled in the state secondary area vocational education and technology centers operated by the Office of Career and Technical Education shall be free to all residents of Kentucky. The executive director of the Office of Career and Technical Education shall fix the rate of tuition and fees for adults who are enrolled in secondary programs in the state-operated area vocational education and technology centers under its control. Adult students enrolled in full-time postsecondary programs under the jurisdiction of the Kentucky Community and Technical College System that are physically located in an area vocational education or technology center shall pay the tuition as established by the Council on Postsecondary Education and fees as established by the board of regents for the Kentucky Community and Technical College System.

CREDIT(S)

HISTORY: [2006 c 211, § 41, eff. 7-12-06](#); [2003 c 29, § 17, eff. 6-24-03](#); [1997 1st ex s, c 1, § 51, eff. 5-30-97](#); [1990 c 470, § 32, eff. 7-1-90](#)

Legislative Research Commission Note (7-13-90): The subsequent repeal, with reenactment and amendment, of this section prevails over its amendment by a prior Act of the 1990 Regular Session pursuant to [KRS 446.260](#).

HISTORICAL AND STATUTORY NOTES

Note: 151B.165, formerly compiled as 163.087, repealed, reenacted, and amended by 1990 c 470, § 32, eff. 7-1-90; 1990 c 476, § 267; 1978 c 155, § 83; 1976 c 327, § 5.

CROSS REFERENCES

Spouse or child of permanently disabled veteran to receive free tuition, [164.515](#)

KENTUCKY ADMINISTRATIVE CODE REFERENCES

Human service transportation delivery, [603 KAR 7:080](#)
Tuition and fees, [780 KAR 2:140](#)

LIBRARY REFERENCES

[Schools](#) ☞ [159](#).

Westlaw Topic No. [345](#).

[C.J.S. Schools and School Districts §§ 726 to 733](#).

NOTES OF DECISIONS

Contracts [2](#)

Fees [1](#)

[1. Fees](#)

If membership in a vocational organization is required as an integral part of a regular school program (course offering) then fees, including those for membership dues, would be prohibited. (Annotation from former KRS 158.107.) [OAG 79-22, 1979 WL 32863](#).

[2. Contracts](#)

A vocational school may contract with a local school district relative to teaching of vocational skills and trades. (Annotation from former KRS 158.130.) OAG 61-1018.

KRS § 151B.165, KY ST § 151B.165

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Title XII. Conservation and State Development

Chapter 154. Development

☞ [Subchapter 12](#). Cabinet for Economic Development ([Refs & Annos](#))

☞ Organization

➡ **154.12-205 Bluegrass State Skills Corporation; board**

- (1) There is hereby created an independent, de jure corporation of the Commonwealth with all the general corporate powers incidental thereto which shall be known as the “Bluegrass State Skills Corporation.” The corporation shall be a political subdivision of the state and shall be attached to the Cabinet for Economic Development.
- (2) The corporation is created and established to improve and promote the employment opportunities of the citizens of the Commonwealth by creating and expanding programs of skills training and education which meet the needs of business and industry.
- (3) The corporation shall be governed by a board of directors consisting of eighteen (18) members, including the following six (6) ex officio members: the commissioner of the Department of Workforce Investment or his or her designee, the secretary of the Cabinet for Economic Development, the commissioner of the Department of Labor, the president of the Council on Postsecondary Education, the secretary of the Education Cabinet, and the president of the Kentucky Community and Technical College System. The twelve (12) other members shall be appointed by the Governor, including persons having knowledge and experience in business and industry, skills training, education, and minority employment; and at least one (1) of the twelve (12) members shall be appointed to represent labor organizations. Each member appointed by the Governor shall serve for a term of four (4) years, except that in making the initial appointments, the Governor shall appoint three (3) members to serve for one (1) year, three (3) members to serve for two (2) years, three (3) members to serve for three (3) years, and three (3) members to serve for four (4) years. All succeeding appointments shall be for a term of four (4) years.
- (4) In the event of a vacancy, the Governor may appoint a replacement member who shall hold office during the remainder of the term so vacated.
- (5) Any member may be removed from his appointment by the Governor for cause.
- (6) The Governor shall designate a member of the board as its chairman.
- (7) Members of the board of directors of the corporation, except for ex officio members, shall be entitled to compensation for their services in the amount of one hundred dollars (\$100) for each

regular or special called meeting of the corporation, and all members shall be entitled to reimbursement for any actual and necessary expenses incurred in the performance of their duties.

- (8) The board of directors of the corporation shall annually elect a vice chairman, a secretary, and a treasurer. The secretary shall keep a record of the proceedings of the corporation and shall be custodian of all books, documents, and papers filed with the corporation, and its official seal.
- (9) The secretary of the Cabinet for Economic Development shall hire an executive director and establish his salary. The executive director shall be the chief administrative and operational officer of the corporation and shall direct and supervise its administrative affairs and general management subject to the policies, control, and direction of the board.
- (10) All officers and employees of the corporation having access to its funding shall give bond to the corporation, at its expense, in the amount and with the surety as the board may prescribe.

CREDIT(S)


HISTORY: [2006 c 211, § 64, eff. 7-12-06](#); [1997 1st ex s, c 1, § 55, eff. 5-30-97](#); [1996 c 194, § 18, eff. 7-15-96](#); [1992 c 105](#), § 52, c [417](#), § 10, eff. 7-14-92; [1990 c 476, § 195](#); 1988 c 199, § 1, c 205, § 8; 1984 c 211, § 2

Legislative Research Commission Note (6-20-05): 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.

HISTORICAL AND STATUTORY NOTES

Note: 154.12-205, formerly compiled as 157.720, renumbered by the Reviser of Statutes (1992).

LIBRARY REFERENCES

[States](#)  [84](#).
Westlaw Topic No. [360](#).
[C.J.S. States §§ 254 to 257](#).

NOTES OF DECISIONS

Application [1](#)
[1](#). Application

The bluegrass state skills corporation has no statutory authority to assist a private nonprofit corporation on the basis of its being a “business and industry” unless the corporation involved meets the definition of an “educational institution.” (Annotation from former KRS 157.720.)

OAG 91-095.


KRS § 154.12-205, KY ST § 154.12-205

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Title XIII. Education

 [Chapter 164](#). State Universities and Colleges; Regional Education; Archaeology ([Refs & Annos](#))

→ **164.007 Definitions**

As used in [KRS 151B.400](#) to [151B.410](#), unless the context indicates otherwise:

(1) “Adult education” means, for programs funded under the Federal Workforce Investment Act of 1998, services or instruction below the postsecondary level for individuals:

- (a) Who have attained the age of sixteen (16) years of age;
- (b) Who are not enrolled or required to be enrolled in secondary school under state law; and
- (c) Who:
 - 1. Lack sufficient mastery of basic educational skills to enable the individuals to function effectively in society;
 - 2. Are unable to speak, read, or write the English language; or
 - 3. Do not have a secondary school diploma or its recognized equivalent, and have not achieved an equivalent level of education;

(2) “Family literacy services” means services that are of sufficient intensity in terms of hours, and of sufficient duration, to assist a family to make sustainable increases in its literacy level, and integrate the activities described in [KRS 158.360](#); and

(3) “Literacy” means an individual's ability to read, write, and speak in English and compute and solve problems at levels of proficiency necessary to function on the job and in society to achieve one's goals and develop one's knowledge and potential.

CREDIT(S)

HISTORY: [2006 c 211, § 168, eff. 7-12-06](#)

Legislative Research Commission Note (7-12-06): This statute defines terms for a range of statutes, [KRS 151B.400](#) to [151B.410](#). Under 2006 Ky. Acts ch. 211, secs. 167 and 168, two of the three KRS sections within that range were repealed, reenacted, and given new KRS numbers. [KRS 151B.400](#) has been renumbered as [KRS 164.006](#), and [KRS 151B.410](#) has been renumbered as KRS 164.007.

HISTORICAL AND STATUTORY NOTES

Note: 164.007, formerly compiled as 151B.405, repealed and reenacted by 2006 c 211, § 168, eff. 7-12-06; 2000 c 526, § 9, eff. 7-14-00; 1994 c 487, § 2, eff. 7-15-94.

KENTUCKY ADMINISTRATIVE CODE REFERENCES

Human service transportation delivery, [603 KAR 7:080](#)


KRS § 164.007, KY ST § 164.007


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Title XIII. Education

 [Chapter 164](#). State Universities and Colleges; Regional Education; Archaeology ([Refs & Annos](#))

 Council on Postsecondary Education

→ **164.020 Powers and duties of council**

The Council on Postsecondary Education in Kentucky shall:

- (1) Develop and implement the strategic agenda with the advice and counsel of the Strategic Committee on Postsecondary Education. The council shall provide for and direct the planning process and subsequent strategic implementation plans based on the strategic agenda as provided in [KRS 164.0203](#);
- (2) Revise the strategic agenda and strategic implementation plan with the advice and counsel of the committee as set forth in [KRS 164.004](#);
- (3) Develop a system of public accountability related to the strategic agenda by evaluating the performance and effectiveness of the state's postsecondary system. The council shall prepare a report in conjunction with the accountability reporting described in [KRS 164.095](#), which shall be submitted to the committee, the Governor, and the General Assembly by December 1 annually. This report shall include a description of contributions by postsecondary institutions to the quality of elementary and secondary education in the Commonwealth;
- (4) Review, revise, and approve the missions of the state's universities and the Kentucky Community and Technical College System. The Council on Postsecondary Education shall have the final authority to determine the compliance of postsecondary institutions with their academic, service, and research missions;
- (5) Establish and ensure that all postsecondary institutions in Kentucky cooperatively provide for an integrated system of postsecondary education. The council shall guard against inappropriate and unnecessary conflict and duplication by promoting transferability of credits and easy access of information among institutions;
- (6) Engage in analyses and research to determine the overall needs of postsecondary education and adult education in the Commonwealth;
- (7) Develop plans that may be required by federal legislation. The council shall for all purposes of federal legislation relating to planning be considered the “single state agency” as that term may be used in federal legislation. When federal legislation requires additional representation on any “single state agency,” the Council on Postsecondary Education shall establish advisory groups necessary to satisfy federal legislative or regulatory guidelines;
- (8) Determine tuition and approve the minimum qualifications for admission to the state postsecondary educational system. In defining residency, the council shall classify a student as having Kentucky residency if the student met the residency requirements at the beginning of his

or her last year in high school and enters a Kentucky postsecondary education institution within two (2) years of high school graduation. In determining the tuition for non-Kentucky residents, the council shall consider the fees required of Kentucky students by institutions in adjoining states, the resident fees charged by other states, the total actual per student cost of training in the institutions for which the fees are being determined, and the ratios of Kentucky students to non-Kentucky students comprising the enrollments of the respective institutions, and other factors the council may in its sole discretion deem pertinent;

(9) Devise, establish, and periodically review and revise policies to be used in making recommendations to the Governor for consideration in developing recommendations to the General Assembly for appropriations to the universities, the Kentucky Community and Technical College System, and to support strategies for persons to maintain necessary levels of literacy throughout their lifetimes including but not limited to appropriations to the Kentucky Adult Education Program. The council has sole discretion, with advice of the Strategic Committee on Postsecondary Education and the executive officers of the postsecondary education system, to devise policies that provide for allocation of funds among the universities and the Kentucky Community and Technical College System;

(10) Lead and provide staff support for the biennial budget process as provided under KRS Chapter 48, in cooperation with the committee;

(11) (a) Except as provided in paragraph (b) of this subsection, review and approve all capital construction projects covered by [KRS 45.750\(1\)\(f\)](#), including real property acquisitions, and regardless of the source of funding for projects or acquisitions. Approval of capital projects and real property acquisitions shall be on a basis consistent with the strategic agenda and the mission of the respective universities and the Kentucky Community and Technical College System.

(b) The organized groups that are establishing community college satellites as branches of existing community colleges in the counties of Laurel, Leslie, and Muhlenberg, and that have substantially obtained cash, pledges, real property, or other commitments to build the satellite at no cost to the Commonwealth, other than operating costs that shall be paid as part of the operating budget of the main community college of which the satellite is a branch, are authorized to begin construction of the satellite on or after January 1, 1998;

(12) Require reports from the executive officer of each institution it deems necessary for the effectual performance of its duties;

(13) Ensure that the state postsecondary system does not unnecessarily duplicate services and programs provided by private postsecondary institutions and shall promote maximum cooperation between the state postsecondary system and private postsecondary institutions. Receive and consider an annual report prepared by the Association of Independent Kentucky Colleges and Universities stating the condition of independent institutions, listing opportunities for more collaboration between the state and independent institutions and other information as appropriate;

(14) Develop a university track program within the Kentucky Community and Technical College

System consisting of sixty (60) hours of instruction that can be transferred and applied toward the requirements for a bachelor's degree at the public universities. The track shall consist of general education courses and pre-major courses as prescribed by the council. Courses in the university track program shall transfer and apply toward the requirements for graduation with a bachelor's degree at all public universities. Successful completion of the university track program shall meet the academic requirement for transfer to a public university as a junior. By fall semester of 1997, requirements for track programs shall be established for all majors and baccalaureate degree programs;

(15) Define and approve the offering of all postsecondary education technical, associate, baccalaureate, graduate, and professional degree, certificate, or diploma programs in the public postsecondary education institutions. The council shall expedite wherever possible the approval of requests from the Kentucky Community and Technical College System board of regents relating to new certificate, diploma, technical, or associate degree programs of a vocational-technical and occupational nature. Without the consent of the General Assembly, the council shall not abolish or limit the total enrollment of the general program offered at any community college to meet the goal of reasonable access throughout the Commonwealth to a two (2) year course of general studies designed for transfer to a baccalaureate program. This does not restrict or limit the authority of the council, as set forth in this section, to eliminate or make changes in individual programs within that general program;

(16) Eliminate, in its discretion, existing programs or make any changes in existing academic programs at the state's postsecondary educational institutions, taking into consideration these criteria:

- (a) Consistency with the institution's mission and the strategic agenda;
- (b) Alignment with the priorities in the strategic implementation plan for achieving the strategic agenda;
- (c) Elimination of unnecessary duplication of programs within and among institutions; and
- (d) Efforts to create cooperative programs with other institutions through traditional means, or by use of distance learning technology and electronic resources, to achieve effective and efficient program delivery;

(17) Ensure the governing board and faculty of all postsecondary education institutions are committed to providing instruction free of discrimination against students who hold political views and opinions contrary to those of the governing board and faculty;

(18) Review proposals and make recommendations to the Governor regarding the establishment of new public community colleges, technical institutions, and new four (4) year colleges;

(19) Postpone the approval of any new program at a state postsecondary educational institution, unless the institution has met its equal educational opportunity goals, as established by the council. In accordance with administrative regulations promulgated by the council, those

institutions not meeting the goals shall be able to obtain a temporary waiver, if the institution has made substantial progress toward meeting its equal educational opportunity goals;

(20) Ensure the coordination, transferability, and connectivity of technology among postsecondary institutions in the Commonwealth including the development and implementation of a technology plan as a component of the strategic agenda;

(21) Approve the teacher education programs in the public institutions that comply with standards established by the Education Professional Standards Board pursuant to [KRS 161.028](#);

(22) Constitute the representative agency of the Commonwealth in all matters of postsecondary education of a general and statewide nature which are not otherwise delegated to one (1) or more institutions of postsecondary learning. The responsibility may be exercised through appropriate contractual relationships with individuals or agencies located within or without the Commonwealth. The authority includes but is not limited to contractual arrangements for programs of research, specialized training, and cultural enrichment;

(23) Maintain procedures for the approval of a designated receiver to provide for the maintenance of student records of the public institutions of higher education and the colleges as defined in [KRS 164.945](#), and institutions operating pursuant to [KRS 165A.310](#) which offer collegiate level courses for academic credit, which cease to operate. Procedures shall include assurances that, upon proper request, subject to federal and state laws and regulations, copies of student records shall be made available within a reasonable length of time for a minimum fee;

(24) Monitor and transmit a report on compliance with [KRS 164.351](#) to the director of the Legislative Research Commission for distribution to the Health and Welfare Committee;

(25) Develop in cooperation with each state postsecondary educational institution a comprehensive orientation program for new members of the council and the governing boards. The orientation program shall include but not be limited to the information concerning the roles of the council, the strategic agenda and the strategic implementation plan, and the respective institution's mission, budget, plans, policies, strengths, and weaknesses;

(26) Develop a financial reporting procedure to be used by all state postsecondary education institutions to ensure uniformity of financial information available to state agencies and the public;

(27) Select and appoint a president of the council under [KRS 164.013](#);

(28) Employ consultants and other persons and employees as may be required for the council's operations, functions, and responsibilities;

(29) Promulgate administrative regulations, in accordance with KRS Chapter 13A, governing its powers, duties, and responsibilities as described in this section;

(30) Prepare and present by January 31 of each year an annual status report on postsecondary

education in the Commonwealth to the Governor, the Strategic Committee on Postsecondary Education, and the Legislative Research Commission;

(31) Consider the role, function, and capacity of independent institutions of postsecondary education in developing policies to meet the immediate and future needs of the state. When it is found that independent institutions can meet state needs effectively, state resources may be used to contract with or otherwise assist independent institutions in meeting these needs;

(32) Create advisory groups representing the presidents, faculty, nonteaching staff, and students of the public postsecondary education system and the independent colleges and universities;

(33) Develop a statewide policy to promote employee and faculty development in all postsecondary institutions and in state and locally operated secondary area technology centers through the waiver of tuition for college credit coursework in the public postsecondary education system. Any regular full-time employee of a postsecondary public institution or a state or locally operated secondary area technology center may, with prior administrative approval of the course offering institution, take a maximum of six (6) credit hours per term at any public postsecondary institution. The institution shall waive the tuition up to a maximum of six (6) credit hours per term;

(34) Establish a statewide mission for adult education and develop a twenty (20) year strategy, in partnership with the Kentucky Adult Education Program, under the provisions of [KRS 164.0203](#) for raising the knowledge and skills of the state's adult population. The council shall:

(a) Promote coordination of programs and responsibilities linked to the issue of adult education with the Kentucky Adult Education Program and with other agencies and institutions;

(b) Facilitate the development of strategies to increase the knowledge and skills of adults in all counties by promoting the efficient and effective coordination of all available education and training resources;

(c) Lead a statewide public information and marketing campaign to convey the critical nature of Kentucky's adult literacy challenge and to reach adults and employers with practical information about available education and training opportunities;

(d) Establish standards for adult literacy and monitor progress in achieving the state's adult literacy goals, including existing standards that may have been developed to meet requirements of federal law in conjunction with the Collaborative Center for Literacy Development: Early Childhood through Adulthood; and

(e) Administer the adult education and literacy initiative fund created under [KRS 164.041](#); and

(35) Exercise any other powers, duties, and responsibilities necessary to carry out the purposes of this chapter. Nothing in this chapter shall be construed to grant the Council on Postsecondary Education authority to disestablish or eliminate any college of law which became a part of the state system of higher education through merger with a state college.

CREDIT(S)

HISTORY: [2006 c 211, § 101, eff. 7-12-06](#); [2004 c 42, § 1, eff. 7-13-04](#); [2002 c 37, § 3, eff. 7-15-02](#); [2000 c 526, § 27, 3, c 192, § 1, eff. 7-14-00](#); [1997 1st ex s, c 1, § 74, eff. 5-30-97](#); [1996 c 184, § 1, eff. 7-15-96](#); [1994 c 31, § 6, eff. 7-15-94](#); [1992 c 10, § 2, c 315, § 1, eff. 7-14-92](#); [1990 c 443, § 39](#); 1982 c 379, § 4; 1980 c 71, § 1; 1978 c 155, § 106, c 295, § 1; 1972 c 39, § 2; 1968 c 152, § 118; 1966 c 6, § 2; 1956 c 163, § 1; 1952 c 41, § 6; 1942 c 208, § 1; KS 4527-1, 4527-3

HISTORICAL AND STATUTORY NOTES

Executive Order Note: Executive Order 2008-836, filed 8-7-08, ordered that the Council on Postsecondary Education be created and established under KRS Chapter 164 as an organizational unit and administrative body attached to the Office of the Governor.


CROSS REFERENCES

Automated central budget information system, [48.950](#) to [48.960](#)
Medical schools, coordination of activities by council on higher education, [164.933](#)
Regulations and procedures for licensing of colleges by council on higher education, [164.947](#)

KENTUCKY ADMINISTRATIVE CODE REFERENCES

Administrative hearing procedures for determination of residency status, [13 KAR 2:070](#)
Degree program approval; equal opportunity goals, [13 KAR 2:060](#)
Determination of residency status for admission and tuition assessment purposes, [13 KAR 2:045](#)
Guidelines for admission to state-supported postsecondary education institutions in Kentucky, [13 KAR 2:020](#)
Tuition policy, [13 KAR 2:050](#)

LIBRARY REFERENCES

[Colleges and Universities](#)  [7](#), [9.20](#), [9.35\(1\)](#).
Westlaw Topic No. [81](#).
[C.J.S. Civil Rights §§ 122, 140](#).
[C.J.S. Colleges and Universities §§ 15](#) to [18](#), [29](#), [31](#), [41](#).

Title XIII. Education

[Chapter 164](#). State Universities and Colleges; Regional Education; Archaeology ([Refs & Annos](#))

[Council on Postsecondary Education](#)

→ **164.0203 Strategic agenda; strategic implementation plan; benchmarks; review of goals and plan**

(1) The Council on Postsecondary Education shall adopt a strategic agenda that identifies specific short-term objectives in furtherance of the long-term goals established in [KRS 164.003\(2\)](#).

(2) (a) The purpose of the strategic agenda is to further the public purposes under [KRS 164.003](#) by creating high-quality, relevant, postsecondary education and adult education opportunities in the Commonwealth. The strategic agenda shall:

1. Serve as the public agenda for postsecondary education and adult education for the citizens of the Commonwealth, providing statewide priorities and a vision for long-term economic growth;
2. State those important issues and aspirations of the Commonwealth's students, employers, and workforce reflecting high expectations for their performance and the performance of the educational institutions and providers that serve them; and
3. Sustain a long-term commitment for constant improvement, while valuing market-driven responsiveness, accountability to the public, technology-based strategies, and incentive-based motivation.

(b) The council shall develop a strategic implementation plan, which may be periodically revised, to achieve the strategic agenda. The strategic agenda shall serve as a guide for institutional plans and missions.

(3) The framework for the strategic implementation plan of the strategic agenda shall include the following elements:

- (a) A mission statement;
- (b) Goals;
- (c) Principles;
- (d) Strategies and objectives;
- (e) Benchmarks; and
- (f) Incentives to achieve desired results.

- (4) The implementation plan for the strategic agenda shall take into consideration the value to society of a quality liberal arts education and the needs and concerns of Kentucky's employers.
- (5) The council shall develop benchmarks using criteria that shall include but not be limited to:
- (a) Use of the statistical information commonly provided by governmental and regulatory agencies or specific data gathered by authorization of the council;
 - (b) Comparison of regions and areas within the Commonwealth and comparisons of the Commonwealth to other states and the nation; and
 - (c) Measures of educational attainment, effectiveness, and efficiency, including but not limited to those set forth in [KRS 164.095](#).
- (6) The council shall review the goals established by [KRS 164.003\(2\)](#) at least every four (4) years and shall review its implementation plan at least every two (2) years.
- (7) In developing the strategic agenda, the council shall actively seek input from the Department of Education and local school districts to create necessary linkages to assure a smooth and effective transition for students from the elementary and secondary education system to the postsecondary education system. Upon completion of the strategic agenda and strategic implementation plan, the council shall distribute copies to each local school district.
- (8) The strategic agenda shall include a long-term strategy, developed in partnership with the Kentucky Adult Education Program, for raising the knowledge and skills of Kentucky's adult population, and ensuring lifelong learning opportunities for all Kentucky adults, drawing on the resources of all state government cabinets and agencies, business and civic leadership, and voluntary organizations.

CREDIT(S)

HISTORY: [2006 c 211, § 102, eff. 7-12-06](#); [2000 c 526, § 4, eff. 7-14-00](#); [1997 1st ex s, c 1, § 6, eff. 5-30-97](#)

LIBRARY REFERENCES

[Colleges and Universities](#)  [9.35\(1\)](#).

Westlaw Topic No. [81](#).

[C.J.S. Civil Rights §§ 122, 140](#).

[C.J.S. Colleges and Universities §§ 29, 41](#).

KRS § 164.0203, KY ST § 164.0203

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Title XIII. Education

[Chapter 164](#). State Universities and Colleges; Regional Education; Archaeology ([Refs & Annos](#))

[Council on Postsecondary Education](#)

→ **164.023 Kentucky Adult Education Program; educational strategy and responsibilities; organization; sole agency for developing and approving state plans**

(1) The Kentucky Adult Education Program is created to carry out the statewide adult education mission. The program shall implement a twenty (20) year state strategy to reduce the number of adults who are at the lowest levels of literacy and most in need of adult education and literacy services. The program shall have responsibility for all functions related to adult education and literacy.

(2) The Kentucky Adult Education Program is part of the Council on Postsecondary Education and shall be organized in a manner as directed by the president of the Council on Postsecondary Education. The program shall be headed by a vice president appointed by the president of the Council on Postsecondary Education.

(3) The Kentucky Adult Education Program, Council on Postsecondary Education, shall be the agency solely designated for the purpose of developing and approving state plans required by state or federal laws or regulations.

CREDIT(S)

HISTORY: [2006 c 211, § 99, eff. 7-12-06](#)

KRS § 164.023, KY ST § 164.023


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Title XIII. Education

 [Chapter 164](#). State Universities and Colleges; Regional Education; Archaeology ([Refs & Annos](#))

 Council on Postsecondary Education

→ **164.035 Needs assessment for adult education and workforce development**

The Council on Postsecondary Education, in consultation with the Kentucky Adult Education Program and the Collaborative Center for Literacy Development: Early Childhood through Adulthood, shall assess the need for technical assistance, training, and other support to assist in the development of adult education and workforce development that support the state strategic agenda and that include a comprehensive coordinated approach to education and training services. The council shall promote the involvement of universities; colleges; technical institutions; elementary and secondary educational agencies; labor, business, and industry representatives; community-based organizations; citizens' groups; and other policymakers in the development of the regional strategies.

CREDIT(S)

HISTORY: [2006 c 211, § 103, eff. 7-12-06](#); [2000 c 526, § 5, 28, eff. 7-14-00](#); [1997 1st ex s, c 1, § 23, eff. 5-30-97](#)

LIBRARY REFERENCES

[Colleges and Universities](#)  [7](#).

Westlaw Topic No. [81](#).

[C.J.S. Colleges and Universities §§ 15 to 18](#).


KRS § 164.035, KY ST § 164.035


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Title XIII. Education

 [Chapter 164](#). State Universities and Colleges; Regional Education; Archaeology ([Refs & Annos](#))

 Council on Postsecondary Education

→ **164.041 Adult education and literacy initiative fund**

- (1) There is created in the Council on Postsecondary Education, a special fund to be known as the adult education and literacy initiative fund, which shall consist of moneys appropriated by the General Assembly, gifts, grants, other sources of funding, public and private, and interest accrued by the fund. This fund shall not lapse at the end of a fiscal year but shall be carried forward to be used only for the purposes specified in this section. Moneys accumulated in this fund on July 14, 2000, shall remain in the fund and be transferred to the Council on Postsecondary Education to be used for purposes stated in this section.
- (2) The purpose of the adult education and literacy initiative fund shall be to support strategies for adult education, to provide statewide initiatives for excellence, and to provide funds for research and development activities.
- (3) The council, in collaboration with the Kentucky Adult Education Program, shall establish the guidelines for the use, distribution, and administration of the fund, financial incentives, technical assistance, and other support for strategic planning; and guidelines for fiscal agents to assess county and area needs and to develop strategies to meet those needs.
- (4) The fund shall include the following strategies:
 - (a) Statewide initiatives. Funds shall be used to encourage collaboration with other organizations, stimulate development of models of adult education programs that may be replicated elsewhere in the state, provide incentives for adults, employers, and providers to encourage adults to establish and accomplish learning contracts, provide incentives to encourage participation in adult education, assist providers of county and area programs in areas of highest need, and for other initiatives of regional or statewide significance as determined by the council. The Collaborative Center for Literacy Development: Early Childhood through Adulthood created under [KRS 164.0207](#) shall evaluate the reading and literacy components of model programs funded under this paragraph.
 - (b) Research and demonstration. The funds shall be used to develop:
 1. Standards for the preparation, professional development, and support for adult educators with the advice of the Kentucky Adult Education Program and as compatible with funds provided under Title II of the Federal Workforce Investment Act;
 2. A statewide competency-based certification for transferable skills in the workplace; and
 3. A statewide public information and marketing campaign.

CREDIT(S)

HISTORY: [2006 c 211, § 104, eff. 7-12-06](#); [2000 c 526, § 7, eff. 7-14-00](#)

HISTORICAL AND STATUTORY NOTES

Note: 164.041, formerly compiled as 151B.142, repealed, reenacted, and amended by 2000 c 526, § 7, eff. 7-14-00; 1997 1st ex s, c 1, § 150, eff. 5-30-97.

KENTUCKY ADMINISTRATIVE CODE REFERENCES

Human service transportation delivery, [603 KAR 7:080](#)

LIBRARY REFERENCES

[Colleges and Universities](#) ☞ [6\(1\)](#), [6\(5\)](#).
Westlaw Topic No. [81](#).
[C.J.S. Colleges and Universities §§ 10, 14](#).

KRS § 164.041, KY ST § 164.041

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→ 342.732 Income benefits and retraining incentive benefits for coal workers' pneumoconiosis; referral to Office of Vocational Rehabilitation; administrative regulations

(1) Notwithstanding any other provision of this chapter, income benefits and retraining incentive benefits for occupational pneumoconiosis resulting from exposure to coal dust in the severance or processing of coal shall be paid as follows:

- (a) 1. If an employee has a radiographic classification of category 1/0, 1/1 or 1/2, coal workers' pneumoconiosis and spirometric test values of eighty percent (80%) or more, the employee shall be awarded a one (1) time only retraining incentive benefit which shall be an amount equal to sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the employee's average weekly wage as determined by [KRS 342.740](#), but not more than seventy-five percent (75%) of the state average weekly wage, payable semimonthly for a period not to exceed one hundred four (104) weeks, except as provided in subparagraph 3. of this paragraph.
2. Except as provided in subparagraph 3. of this paragraph, these benefits shall be paid only while the employee is enrolled and actively and successfully participating as a full-time student taking the equivalent of twelve (12) or more credit hours per week in a bona fide training or education program that if successfully completed will qualify the person completing the course for a trade, occupation, or profession and which program can be completed within the period benefits are payable under this subsection. The program must be approved under administrative regulations to be promulgated by the executive director. These benefits shall also be paid to an employee who is a part-time student taking not less than the equivalent of six (6) nor more than eleven (11) credit hours per week, except that benefits shall be an amount equal to thirty-three and one-third percent ($33\frac{1}{3}\%$) of the employee's average weekly wage as determined by [KRS 342.740](#), but not more than thirty-seven and one-half percent ($37\frac{1}{2}\%$) of the state average weekly wage, payable biweekly for a period not to exceed two hundred eight (208) weeks.
3. These benefits shall also be paid biweekly while an employee is actively and successfully pursuing a General Equivalency Diploma (GED) in accordance with administrative regulations promulgated by the executive director. These benefits shall be paid in the amount of sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the employee's average weekly wage not to exceed seventy-five percent (75%) of the state average weekly wage for a maximum period not to exceed seventeen (17) weeks. These income benefits shall be in addition to the maximum amount of retraining incentive benefits payable under this paragraph.
4. The employer shall also pay, directly to the institution conducting the training or education program, instruction, tuition, and material costs not to exceed five thousand dollars (\$5,000).

5. The period of weeks during which this benefit is payable shall begin no later than the thirtieth day after the administrative law judge's order awarding the benefit becomes final, except that an employee may elect to defer the beginning of such benefits up to the three hundred sixty-fifth day following the thirtieth day the order becomes final. Unless the employee has requested deferral of income benefits, those income benefits payable under subparagraphs 1. and 2. of this paragraph shall begin no later than thirty (30) days following conclusion of income benefits paid under subparagraph 3. if such benefits were paid.
 6. If an employee who is awarded retraining incentive benefits under this paragraph successfully completes a bona fide training or education program approved by the executive director, upon completion of the training or education program, the employer shall pay to that employee the sum of five thousand dollars (\$5,000) for successful completion of a program that requires a course of study of not less than twelve (12) months nor more than eighteen (18) months, or the sum of ten thousand dollars (\$10,000) for successful completion of a program that requires a course of study of more than eighteen (18) months. This amount shall be in addition to retraining incentive benefits awarded under this paragraph, and tuition expenses paid by the employer.
 7. An employee who is age fifty-seven (57) years or older on the date of last exposure and who is awarded retraining incentive benefits under subparagraphs 1. to 4. of this paragraph, may elect to receive in lieu of retraining incentive benefits, an amount equal to sixty-six and two-thirds percent (66-2/3%) of the employee's average weekly wage, not to exceed seventy-five percent (75%) of the state average weekly wage as determined by [KRS 342.740](#) multiplied by the disability rating of twenty-five percent (25%) for a period not to exceed four hundred twenty-five (425) weeks, or until the employee reaches sixty-five (65) years of age, whichever occurs first, [KRS 342.730\(4\)](#) notwithstanding.
 8. A claim for retraining incentive benefits provided under this section may be filed, but benefits shall not be payable, while an employee is employed in the severance or processing of coal as defined in [KRS 342.0011\(23\)](#).
 9. If an employer appeals an award of retraining incentive benefits, upon an employee's motion, an administrative law judge may grant retraining incentive benefits pending appeal as interlocutory relief.
 10. If an employee elects to defer payment of retraining incentive benefits for a period of retraining longer than three hundred sixty-five (365) days, benefits otherwise payable shall be reduced week-for-week for each week retraining benefits are further deferred.
- (b) 1. If an employee has a radiographic classification of category 1/0, 1/1, or 1/2 coal workers' pneumoconiosis and respiratory impairment evidenced by spirometric test values of fifty-five percent (55%) or more but less than eighty percent (80%) of the predicted normal values, or category 2/1, 2/2, or 2/3 coal workers' pneumoconiosis and spirometric test values of eighty percent (80%) or more of the predicted normal values, there shall be

an irrebuttable presumption that the employee has a disability rating of twenty-five percent (25%) resulting from exposure to coal dust, and the employee shall be awarded an income benefit which shall be an amount equal to sixty-six and two-thirds percent (66-2/3%) of the employee's average weekly wage, but not to exceed seventy-five percent (75%) of the state average weekly wage as determined by [KRS 342.740](#) multiplied by the disability rating of twenty-five percent (25%). The award shall be payable for a period not to exceed four hundred twenty-five (425) weeks.

2. An employee who is awarded benefits under this paragraph may, at the time of the award or before benefit payments begin, elect to receive retraining incentive benefits provided under paragraph (a) 1. to 6. of this subsection, in lieu of income benefits awarded under this paragraph, provided that such option is available one (1) time only and is not revokable, and provided that in no event shall income benefits payable under this paragraph be stacked or added to retraining incentive income benefits paid or payable under subparagraphs 1. to 6. of paragraph (a) of this subsection to extend the period of disability.
- (c) If it is determined that an employee has a radiographic classification of category 1/0, 1/1, or 1/2, and respiratory impairment resulting from exposure to coal dust as evidenced by spirometric test values of less than fifty-five percent (55%) of the predicted normal values, or category 2/1, 2/2, or 2/3 coal workers' pneumoconiosis and respiratory impairment evidenced by spirometric test values of fifty-five percent (55%) or more but less than eighty percent (80%) of the predicted normal values, or category 3/2 or 3/3 coal workers' pneumoconiosis and spirometric test values of eighty percent (80%) or more, there shall be an irrebuttable presumption that the employee has a disability rating of fifty percent (50%) resulting from exposure to coal dust, and the employee shall be awarded an income benefit which shall be an amount equal to sixty-six and two-thirds percent (66-2/3%) of the employee's average weekly wage but not to exceed seventy-five percent (75%) of the state average weekly wage as determined by [KRS 342.740](#) multiplied by the disability rating of fifty percent (50%). The award shall be payable for a period not to exceed four hundred twenty-five (425) weeks.
- (d) If it is determined that an employee has a radiographic classification of category 2/1, 2/2, or 2/3 coal workers' pneumoconiosis, based on the latest ILO International Classification of Radiographics, and respiratory impairment as evidenced by spirometric test values of less than fifty-five percent (55%) of the predicted normal values or category 3/2 or 3/3 pneumoconiosis and respiratory impairment evidenced by spirometric test values of fifty-five percent (55%) or more but less than eighty percent (80%) of the predicted normal values, there shall be an irrebuttable presumption that the employee has a seventy-five percent (75%) disability rating resulting from exposure to coal dust and the employee shall be awarded income benefits which shall be equal to sixty-six and two-thirds percent (66-2/3%) of the employee's average weekly wage but not to exceed seventy-five percent (75%) of the state average weekly wage as determined by [KRS 342.740](#) multiplied by the disability rating of seventy-five percent (75%). The award shall be payable for a period not to exceed five hundred twenty (520) weeks. Income benefits awarded under this paragraph shall be payable to the employee during the disability.
- (e) If it is determined that an employee has radiographic classification of 3/2 or 3/3

occupational pneumoconiosis and respiratory impairment evidenced by spirometric test values of less than fifty-five percent (55%) of the predicted normal values, or complicated pneumoconiosis (large opacities category A, B, or C progressive massive fibrosis), there shall be an irrebuttable presumption that the employee is totally disabled resulting from exposure to coal dust, and the employee shall be awarded income benefits equal to sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the employee's average weekly wage but not more than one hundred percent (100%) of the state average weekly wage and not less than twenty percent (20%) of the average weekly wage of the state as determined by [KRS 342.740](#). Income benefits awarded under this paragraph shall be payable to the employee during such disability.

(2) The presence of respiratory impairment resulting from exposure to coal dust shall be established by using the largest forced vital capacity (FVC) value or the largest forced expiratory volume in one second (FEV1) value determined from the totality of all such spirometric testing performed in compliance with accepted medical standards.

(3) When valid spirometric tests are not provided and a physician certifies to the administrative law judge that spirometric testing is not medically indicated because of the permanent physical condition of the employee, the administrative law judge shall make his decision on the basis of evidence admitted which establishes the existence of a diagnosis of occupational pneumoconiosis and respiratory impairment due to the occupational pneumoconiosis. The evidence submitted by the employee shall include one (1) or more arterial blood gas studies performed in accordance with accepted medical standards. Income benefits shall not be awarded in the absence of valid spirometric tests if the claimant's PO₂ arterial blood gas value is equal to or higher than one (1) standard deviation from the normal value obtained by the formula ($103.5 - 0.42X$), where X equals the claimant's age at the time of the arterial blood gas study.

(4) Upon request, the executive director shall refer an employee who has been awarded retraining incentive benefits under subsection (1)(a) of this section to the Office of Vocational Rehabilitation for evaluation and assessment of the training, education, or other services necessary to prepare the employee for a trade, occupation, or profession that will return the employee to remunerative employment, or services necessary and appropriate to prepare and enable the employee to successfully complete a bona fide training or education program approved by the executive director. The executive director shall contract with the Office of Vocational Rehabilitation to provide vocational rehabilitation or education services commensurate with the skill levels and abilities of the employee. Services provided under this subsection shall be funded by the coal workers' pneumoconiosis fund, [KRS 342.1242](#) notwithstanding.

(5) The executive director shall promulgate administrative regulations sufficient to effectuate the provisions relating to retraining incentive benefits provided under subsection (1)(a) of this section. The administrative regulations shall:

- (a) Define a "bona fide training or education program" to mean a postsecondary education or training program, including but not limited to the postsecondary programs registered with the Higher Education Assistance Authority, and successful completion of which will qualify the

person completing the course for a trade, occupation, or profession, and which program can be completed within the period benefits are payable under subsection (1)(a) of this section;

- (b) Establish requirements for approval and certification of a bona fide training or education program;
- (c) Provide that funds paid to the training or education program by the employer as required under subsection (1)(a)4. of this section shall be applied only to instruction, tuition, material costs, and any fees necessary for the completion of the program;
- (d) Establish requirements for successful participation in and completion of an approved and certified bona fide training or education program, and eligibility standards that must be satisfied to receive sums to be paid by the employer pursuant to subsection (1)(a)6. of this section; and
- (e) Establish attendance, performance and progress standards, and reporting requirements in consultation with the Kentucky Adult Education Program within the Council on Postsecondary Education as conditions that must be satisfied to receive retraining incentive income benefits pursuant to subsection (1)(a)3. of this section.

(6) In no event shall income benefits awarded under this section be stacked or added to income benefits awarded under [KRS 342.730](#) to extend the period of disability and in no event shall income or retraining incentive benefits be paid to the employee while the employee is working in the mining industry in the severance or processing of coal as defined in [KRS 342.0011\(23\)\(a\)](#).


CREDIT(S)


HISTORY: [2006 c 211, § 160, eff. 7-12-06](#); [2002 c 340, § 3, eff. 7-15-02](#); [2000 c 514, § 31, eff. 7-14-00](#); [1996 1st ex s, c 1, § 33, eff. 12-12-96](#); [1994 c 181, § 26, eff. 4-4-94](#); [1990 c 99, § 1, eff. 7-13-90](#); 1987 ex s, c 1, § 56

Legislative Research Commission Note (6-20-05): 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.

Baldwin's Kentucky Revised Statutes Annotated [Currentness](#)

Title L. Kentucky Penal Code

 [Chapter 533](#). Probation and Conditional Discharge ([Refs & Annos](#))

 [Educational Program](#)

→ **533.200 Form of sentencing**

(1) A person convicted of a misdemeanor or violation who has not received a graduation certificate from high school or has not passed the general educational development test (GED) or has not obtained a high school diploma through participation in the external diploma program may, in addition to or in lieu of any other penalty provided by law, be sentenced to attend and successfully complete a program designed to improve his reading, living, and employment skills. Attendance at such program shall be deemed a form of probation and all provisions of the law with respect to probation, including restitution to victims, shall apply.

(2) A person convicted of a felony who has not received a graduation certificate from high school or has not passed the general educational development test (GED) or has not obtained a high school diploma through participation in the external diploma program may, in addition to any other penalty provided by law, be sentenced to attend and successfully complete a program designed to improve his reading, living, and employment skills. Attendance at such program shall be deemed a form of probation and all provisions of the law with respect to probation, including restitution to victims, shall apply.

(3) The provisions of this section shall not apply to a person who is so severely retarded mentally or otherwise that he would not reasonably be expected to benefit from or complete the program.

CREDIT(S)

HISTORY: [1996 c 145, § 7, eff. 7-15-96](#); 1988 c 279, § 1, eff. 7-15-88

KENTUCKY ADMINISTRATIVE CODE REFERENCES

Adult educational programs, instruction of persons sentenced by court to participate, [785 KAR 1:100](#)

LIBRARY REFERENCES

[Sentencing and Punishment](#)  [1983](#), [2045](#).

Westlaw Topic No. [350H](#).

[C.J.S. Criminal Law §§ 1459, 1461, 1554, 1556, 1560 to 1562](#).

KRS § 533.200, KY ST § 533.200


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Title L. Kentucky Penal Code

 [Chapter 533](#). Probation and Conditional Discharge ([Refs & Annos](#))

 Educational Program

→ **533.210 Conduct of program; costs; license**

(1) The program described in [KRS 533.200](#) shall be administered by the Kentucky Adult Education Program within the Council on Postsecondary Education, which shall promulgate administrative regulations, pursuant to KRS Chapter 13A, relative to the conduct of the program, including but not limited to the costs of participation in the program by persons sentenced to the program.

(2) The Kentucky Adult Education Program shall license qualified persons or organizations to conduct the program described in [KRS 533.200](#) on behalf of the agency. Qualifications, the manner of licensing, and all other matters shall be set by administrative regulation.

CREDIT(S)

HISTORY: [2006 c 211, § 166, eff. 7-12-06](#); [1994 c 469, § 38, eff. 7-15-94](#); [1992 c 417, § 11, eff. 7-14-92](#); 1988 c 279, § 2

KENTUCKY ADMINISTRATIVE CODE REFERENCES

Adult educational programs, instruction of persons sentenced by court to participate, [785 KAR 1:100](#)

LIBRARY REFERENCES

[Sentencing and Punishment](#)  [1983](#), [2045](#).

Westlaw Topic No. [350H](#).

[C.J.S. Criminal Law §§ 1459, 1461, 1554, 1556, 1560 to 1562](#).

KRS § 533.210, KY ST § 533.210

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